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Date of Decision: 30th January 1996

SPECIAL CIVIL APPLICATION NO. 3558 of 1984

Amalchand Park Co-operative Housing Society Ltd.

vs.

The State of Gujarat and others

FOR APPROVAL AND SIGNATURE

THE HONOURABLE MR. JUSTICE A.N. DIVECHA

1. Whether Reporters of Local Papers may be allowed to see the judgment? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Shri S.B. Vakil, Advocate, for the Petitioner

Shri D.N. Patel, Asst. Govt. Pleader, for Respondents Nos. 1 and

Respondent No.3 served

CORAM: A.N. DIVECHA, J.
(Date: 30th January 1996)

ORAL JUDGMENT

The show-cause notice issued by the Competent Authority at Ahmedabad (respondent No. 2 herein) on 11th May 1984 calling

upon the petitioner to show cause why the penalty in the sum of Rs. 47,760/- under sec. 18(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (the Act for brief) should not be levied for breach of sec. 15 thereof. Its copy is at Annexure A to this petition. The petitioner has therefore approached this Court by means of this petition under art. 226 of the Constitution of India for questioning the correctness of the aforesaid show-cause notice.

2. It is not necessary to set out details giving rise to this petition. Since the petition is directed only against the show-cause notice and since it is open to the petitioners to show cause why the proposed action should not be taken, in exercise of its discretionary jurisdiction under art. 226 of the Constitution of India, this Court need not interfere with it at this stage.

3. Shri Vakil for the petitioner has urged that the petitioner is exempted under sec. 19(1)(v) of the Act and as such the show-cause notice at Annexure A to this petition is without competence. It has also been urged on behalf of the petitioner that the show-cause notice is vague in and it does not spell out any cause of action. It is obvious that these contentions can be urged before the authority to whom the cause is shown. This Court need not interfere with the show-cause notice at this stage. It would also be open to the petitioner to raise all contentions available to it for the purpose of showing cause why the proposed action mentioned in the show-cause notice at Annexure A to this petition should not be taken.

4. In the result, this petition fails. It is hereby rejected. Rule is accordingly discharged with no order as to costs.
